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Page 1 of 2 ~~15~~



UNITED STATES PATENT AND TRADEMARK OFFICE

**COMMISSIONER FOR PATENTS**  
**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**WASHINGTON, D.C. 20231**  
**[www.uspto.gov](http://www.uspto.gov)**

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/771.009	01/25/2001	Steven P. Holzberg	00801.0172.00US00

27194  
HOWREY SIMON ARNOLD & WHITE, LLP  
BOX 34  
301 RAVENSWOOD AVE.  
MENLO PARK, CA 94025  
date 11/15/2001 EXKURAYI  
AZERBAIJAN 00000083 09771009  
~~710.00 OP  
-882.00 OP  
-880.00 OP  
-130.00 OP  
-270.00 OP~~  
NOTICE TO FILE MISSING P

A circular rubber stamp with the words "U.S. PATENT & TRADEMARK OFFICE" around the perimeter. In the center, it says "WASHINGTON, D.C." At the top, it has "O I P E" and at the bottom, "JUL 24 2001". Along the right edge, it says "SERIAL NO. 50246".

## **FORMALITIES LETTER**

## **FORMALITIES LETTER**



\*OC00000006115525\*

Date Mailed: 05/24/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

11/15/2001 EEKUBAY1 00000001 09771009

FILED UNDER 37 CFR 1.53(b)

01 FC:201 355.00 OP  
 02 FC:203 441.00 OP  
 03 FC:202 440.00 OP  
 04 FC:204 135.00 OP  
 05 FC:205 An application number 65.00 OP

### ***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
  - Total additional claim fee(s) for this application is \$2228.
    - \$918 for 51 total claims over 20.
    - \$1040 for 13 independent claims over 3 .
    - \$270 for multiple dependent claim surcharge.
  - The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
  - To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
  - **The balance due by applicant is \$ 3068.**

Repln. Ref: 11/15/2001 EEKURAYI 0010042000  
DAR:083038 Name/Number:09771009  
FC: 704 \$1436.00 CR

09771009

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

**PART 2 - COPY TO BE RETURNED WITH RESPONSE**

JUL 24 2001

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$2,872.00)

## Complete If Known

Application Number	09/771,009
Filing Date	January 25, 2001
First Named Inventor	Steven P. HOLTZBERG
Examiner Name	Not Yet Assigned
Group Art Unit	1642
Attorney Docket No.	00801.0172.00US00

METHOD OF PAYMENT		FEE CALCULATION (continued)	
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:		3. ADDITIONAL FEES	
Deposit Acct. No.	08-3038	Large Fee	Entity Fee
Deposit Account Name	Howrey Simon Arnold & White, LLP	Small Fee	Entity Fee
<input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17		Fee Description	Fee Paid
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		105	130
2. <input checked="" type="checkbox"/> Payment Enclosed:		205	65
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other		127	227

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$710.00)

## 2. EXTRA CLAIM FEES

Total Claims	69	-20** =	49	X	18	=	882	Extra Claims	Fee from below	Fee Paid
Independent Claims	14	- 3*** =	11	X	80	=	880			
Multiple Dependent					270	=	270			

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue Independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$2,032.00)

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

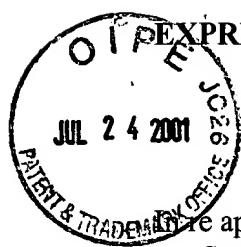
\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$130.00)

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Albert P. Halluin, Robin C. Chiang	Registration No. (Attorney/Agent)	25,227, 46,619	Telephone 650-463-8109
Signature	<i>Albert P. Halluin</i>			Date July 24, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



EXpress MAIL NO.: E1615209202US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

the application of:  
Steven P. HOLZBERG and  
Gregory P. POGUE

Appl. No.: 09/771,009

Filed: January 25, 2001

For: **CYTOPLASMIC  
INHIBITION OF GENE  
EXPERSSION AND EXPRESSION  
OF A FOREIGN PROTEIN IN A  
MONOCOT PLANT BY A PLANT  
VIRAL VECTOR**

Art Unit: 1642

Examiner: Not Yet Assigned

Attorney Docket: 00801.0172.00US00

**Response to Notice to File  
Missing Parts of Application**

Commissioner for Patents  
Washington, D.C. 20231  
**ATTN: Box Missing Parts**

Sir:

In response to the **Notice to File Missing Parts of Application--Filing Date Granted** dated May 24, 2001, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

- Fee Transmittal;
- Copy of the Notice to File Missing Parts;
- Original Declaration, executed by the inventor(s);
- Return postcard; and
- Our check for \$2,872.00 to cover:

\$710.00 Filing Fee for Patent Application (37 C.F.R. § 1.16)

\$2,032.00 Fee for excess claims (37 C.F.R. § 1.16)

\$130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16)

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents.

Commissioner for Patents

July 24, 2001

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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number 00801.0172.00US00. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038 referencing docket number 00801.0172.00US00. A duplicate copy of this Response is enclosed.

Respectfully submitted,

Date: July 24, 2001

  
Albert P. Halluin (Reg. No. 25,227)  
Robin C. Chiang (Reg. No. 46,619)

**HOWREY SIMON ARNOLD & WHITE, LLP**  
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